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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,218	01/28/2000	Jason M Brewer	TI-28385	3161

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/05/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,218

Applicant(s)

BREWER, JASON M

Examiner

Douglas B Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: In line 15 there needs to be an article before Java. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2, 6-7, and 9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification provides no hint as to how the gateway determines which new portions of the of a Java class file are not loaded into a client device. The applicant provides no direction as to how the determination is made therefore an excessive quantity of experimentation would be required in order for one of ordinary skill in the Computer Networking art to implement the applicant's invention as claimed.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 9 recites the limitation "system of claim 7" in its preamble. There is insufficient antecedent basis for this limitation in the claim. For examination purposes it will be assumed that the applicant meant to refer to the "method of claim 7".

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,295,638 to Brown et al..

8. As to claim 5, Brown teaches a system for loading Java class file to a client device (col. 2, lines 50-67) comprising: a gateway coupled to said server and responsive to a Java class file for creating a c-code representation of said class file (col. 7, lines 25-44, The front end compiler creates a c-code representation.); said gateway creating a binary representation of said c-code representation (col. 7, lines 25-44, The backend compiler creates optimized content.); a network coupled between said gateway and said client device for sending the binary representation to said client device (col. 5, lines 38-54); a loader for loading said binary representation at said client device (col. 8, lines 20-

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61); and, means for copying said binary representation into the internal class structure in an interpreter of said client device (col. 8, lines 62-67 and col. 9, lines 1-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,295,638 to Brown et al. in view of U.S. Patent Number 6,389,589 to Mishra et al..

10. As to claim 1, Brown teaches a method for loading class files from a server to a client (col. 2, lines 50-67) comprising: loading an application class onto a gateway server that preloads and preresolves said class (col. 7, lines 25-44, The front end compiler preloads and preresolves the classes.); creating a binary representation of new portions of the preloaded and preresolved class at said gateway (col. 7, lines 25-44, The backend compiler creates optimized content.); however Brown does not explicitly teach sending only the new portion to the client.

Mishra teaches a method of sending only the new portions of application classes to the client (col. 17, lines 36-62, Only upgrade components are sent to the client.).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a method for loading class files with the teachings of Mishra regarding a method for sending only new

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portions of classes to a client because sending a smaller amount of data conserves bandwidth.

11. Brown teaches the invention substantially as claimed (e.g. exemplary claim 7) including a method for loading Java class files to an embedded client device from a server (col. 2, lines 50-67) comprising the steps of: gateway retrieving a Java class file, gateway preloading and preresolving the Java class file to produce a representation of the Java class file (col. 7, lines 25-44, The front end compiler preloads and preresolves the classes.); creating at the gateway a binary representation of only said new portion of the preloaded and preresolved representation of the Java class file (col. 7, lines 25-44, The backend compiler creates optimized content.); sending said binary representation into said embedded client device (col. 5, lines 38-54); and, copying said binary representation into the internal class structures in the interpreter of a Java virtual Machine of the embedded client (col. 8, lines 62-67 and col. 9, lines 1-15); however Brown does not explicitly teach a method of determining at the gateway a new portion of the representation and forwarding only the new .

Mishra teaches a method of determining at the gateway a new portion of the representation (col. 17, lines 36-62, The server determines which client components to upgrade.).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a method for loading Java classes with the teachings of Mishra regarding the method of making a determination of which class to load because sending a smaller amount of data conserves bandwidth.

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12. As to claim 2, it comprises the same steps as claim 7 with a broader preamble therefore it is rejected on the same basis as claim 7.

13. As to claim 3, Brown-Mishra teaches the method of claim 2 including determining new portions of a class representation. Brown teaches creating a c-code representation of the Java class file (col. 7, lines 25-44, The front end compiler creates a c-code representation.), and creating a binary representation of said c-code representation; however Brown does not explicitly teach a method for determining new portions or creating binaries of only new portions.

Mishra teaches a method of determining new portions of code and creating binaries of the new portions (col. 17, lines 36-62).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a method for loading Java classes with the teachings of Mishra regarding the method of making a determination of which class to load because sending a smaller amount of data conserves bandwidth.

14. As to claim 6, Brown teaches the system of claim 5; however Brown does not explicitly teach a system for determining new portions of the c-code representation or sending only new portions of the c-code representations.

Mishra teaches a system including a means for determining new portions of a c-code representation, and a means for creating binary representations of only new portions of the c-code representations, and a means for sending only the new portions to a client (col. 17, lines 36-62).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a method for loading Java classes with the teachings of Mishra regarding the method of making a determination of which class to load because sending a smaller amount of data conserves bandwidth.

15. As to claim 9, the limitations of claim 9 have been rejected already in the rejection of claim 7.

16. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,295,638 to Brown et al. in view of U.S. Patent Number 6,389,589 to Mishra et al. as applied to claim 2 above, and further in view of U.S. Patent Number 6,263,360 to Arnold et al..

17. As to claim 4, the teachings of Brown-Mishra combine to make claim 2 obvious; however Brown and Mishra do not explicitly teach sending the classes over a wireless network.

Arnold teaches a method of sending Java classes over a wireless network (col. 26, lines 25-67).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown-Mishra regarding a method for loading Java classes with the teachings of Arnold regarding a method for sending Java classes over a wireless network because Java is a common tool for developing wireless applications due to its platform independence (col. 24, lines 51-63 of Arnold).

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18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,295,638 to Brown et al. in view of U.S. Patent Number 6,263,360 to Arnold et al..

19. As to claim 8, it has the same limitations as claim 5 with the additional limitation of sending classes over a wireless network. Brown does not teach sending classes over a wireless network.

Arnold teaches a method of sending Java classes over a wireless network (col. 26, lines 25-67).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Brown regarding a system for loading Java classes with the teachings of Arnold regarding a system for sending Java classes over a wireless network because Java is a common tool for developing wireless applications due to its platform independence (col. 24, lines 51-63 of Arnold).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair
December 2, 2002

DBB


MARK POWELL
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